

PENNIE & EDMONDS LLP
3300 Hillview Avenue, Palo Alto, California 94304
(650) 493-4935 Fax: (650) 493-5556

WRITER'S DIRECT DIAL:
(650) 849-7638

INTERNET ADDRESS:
MILLAUEB@PENNIE.COM

TELEFACSIMILE MESSAGE

#18

Sender: Birgit Millauer, Ph.D.

January 2, 2002

Pages (including this page): 8

008484-0073-999

| Recipient | Address | Facsimile Number | Your Reference |
|------------------|---------|------------------|----------------|
| Examiner Moshner | USPTO | (703) 305-7401 | 08/637,752 |

Confirmation copy *will not* follow.

Please see the attached.

July 20, 2001

If you have any problems regarding this transmission, please contact Carla M. Spacher at (650) 849-7729

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Express Mail No.: EL 452 480 793 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of: Kern *et al.*

Group Art Unit: To Be Assigned

Serial No.: 08/637,752

Examiner: To Be Assigned

Based on International Application No.:

PCT/EP94/03564

International Filing Date: 28 October 1994

Attorney Docket No.: 8484-013-999

For: ADENO-ASSOCIATED VIRUS - ITS DIAGNOSTIC USE WITH EARLY
ABORTIONRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed by the U.S. Patent and Trademark Office on 21 February 2001, Applicants submit the following documents to complete the filing for the above-identified application:

1. Executed Declaration signed by the inventors in compliance with 37 CFR 1.497(a) and (b); and
2. Return copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);

Applicants believes that the following fees are due for filing this response.

1. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (for Small Entity): \$65.00

Total Fees Due \$65.00

Additionally, Applicants hereby claims Small Entity Status (37 CFR 1.27).

Should the Commissioner determine that additional fees are payable, he is authorized to charge any required fee, or charge any underpayment or credit any overpayment to Deposit Account No. 16-1150 (order no. 8484-013-999) for any matter in connection with this response which may be required. A copy of this sheet is attached.

Respectfully submitted,

Date July 20, 2001

43,341


Brigit Millauer

(Reg. No.)

for:


Laura A. Coruzzi (Reg. No. 30,742)

PENNIE & EDMONDS LLP

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

8484-013-999

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|--|-------------------------------|--------------------------------|
| U.S. APPLICATION NO. 08/637752 | FIRST NAMED APPLICANT KERN | ATTY. DOCKET NO. 8484010999 |
| PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036 2711 | | |
| INTERNATIONAL APPLICATION NO. PCT/EP94/03564 | | |
| LA. FILING DATE 28 OCT 94 | PRIORITY DATE 28 OCT 93 | |
| DATE MAILED: 21 FEB 2001 | | |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494).
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☐ Translation of the international application into English.
☒ Oath or Declaration of inventor(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____
☐ Information Disclosure Statement(s) filed _____ and _____
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____
☐ Verified Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

COPY on file/decl due 1 mo
3/21/01 cg

Becky/M. Hauer

| |
|-----------------------------------|
| REFERRED TO REC'D |
| FEB 27 2001 |
| Pennie & Edmonds OK for filing |

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(u)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. *Unsigned*
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response

- Enclosed:
☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875
 FORM PCT/DO/EO/905 (December 1997)

Anita D. Johnson
 Telephone: 703-305-3661

RECEIVED
 PENNIE & EDMONDS

MAR 05 2001
 88M-278
 CA OFFICE

** TOTAL PAGE.008 **